



## COLORADO CATTLEMEN'S ASSOCIATION

*"Representing the interests of Colorado's cattle industry since 1867"*

June 28, 2005

Regulatory Analysis and Development, PPD  
APHIS, Station 3C71  
4700 River Road Unit 118  
Riverdale, MD 20737-1238

RE: Docket No. 05-015-1

To Whom It May Concern:

Representing Colorado's beef producers, the Colorado Cattlemen's Association (CCA), is pleased to offer the following comments relating to the National Animal Identification System's Draft Strategic Plan: 2005 to 2009 and the Draft Program Standards. The CCA and Colorado have been working for close to two years in developing a systematic approach to individual animal identification and premises identification. The CCA, along with industry stakeholders developed an animal identification report. This report later became association policy that has been the cornerstone in implementing animal identification pilot programs and advancement of the animal identification initiative within our industry. The subsequent comments were developed utilizing this experience and comprehensive approach.

**National Animal Identification System**  
**"Draft Strategic Plan: 2005-2009"**  
*April 25, 2005*

First and foremost beef producers throughout Colorado appreciate the timeline-based approach in which the Draft Strategic Plan has been formatted. Goals, or in the case of this plan – milestones, are important for beef producers in planning for the future of their business. Without adequate time to make financial and management plans, beef producers are at risk for disruption in their businesses and industry.

The CCA recognizes that enhanced disease control and eradication, capability for rapid containment of foreign animal disease outbreaks, and the enhanced ability to respond to biosecurity threats is imperative for our industry. Additionally, a properly designed national animal identification system would allow the beef industry to meet the demands of domestic and international consumers for source-verified products. This ability will enable producers to maintain and build market access. As mentioned in the Draft Strategic Plan, the overwhelming

concerns of any national identification plan rest in the areas of financing, confidentiality, flexibility and liability. CCA will address these issues in detail throughout these comments.

### **Critical Issues**

**Voluntary Versus Mandatory** – The CCA supports a program that ultimately would become mandatory contingent upon effective development of procedures through the voluntary phase. The timeline proposed by the strategic plan appears logical in theory but should not be inflexible if implementation efficacy is jeopardized.

In conjunction with this approach, a phased implementation delineating type and priority of livestock to be identified should be utilized. The first phase being imported livestock, culled livestock, marketed breeding livestock, and each year's calf crop. The second phase should be livestock leaving premises of origin or change of ownership. The third phase is all other. Livestock producers should be encouraged to start identifying mature livestock on premises as early as possible.

**Stakeholder Concerns** – Throughout CCA's work on animal identification, specific producer concerns have been consistent. Founded or not, for a national identification system to work, producer concerns must be adequately addressed.

- **Financial** – Beef producers operate on financial margins. Per capita food costs in the U.S. are among the lowest in the world and our agriculture products are also the safest in the world. To maintain these arduous standards, food producers can not be put in financial jeopardy by funding the entirety of a program that benefits the entire society, not just our industry. CCA members recognize that they will be accountable for a portion of the financial obligation incurred by a national identification program, but at the same time believes the federal government should fund the infrastructure associated with the National Animal Identification System.
- **Confidentiality** - Whether founded or not, producers want to be assured that the information collected through a national identification program be held in the strictest of confidence. This also, is one of the primary reasons why almost every producer surveyed by CCA requested that the database(s) be held by private, non-government entity(s). CCA believes that only state or federal animal health officials should have access to premises, individual animal or animal movement-related data, and only in the case of a specified animal or biosecurity emergency. Additionally, the data storage system must not allow the public to have any level of access to the collected data. Furthermore, inter-governmental agency sharing of data must not be allowed. Legislation should be pursued to protect this data from general public access as well as agency transfer of data. Any data transferred to the federal government, in case of an animal emergency, must be protected by applicable laws preventing FOIA and inter-agency data transfers.
- **Flexibility** – The implementation of the National Animal Identification System will forever change the management schematic of the U.S.'s livestock industries. For the most part, and if implemented correctly, this change will be for the betterment of our industries and country. It is imperative that a producer-designed, created and supported

program be implemented. CCA strongest point of support is that the National Animal Identification System be a privately held database(s) that allows for performance and management data to be tied to the individual animal identifiers. By utilizing private data management entities, financial competitiveness will be maintained, a better ability to maintain data confidentiality will be in place and, at the producer's preference, the ability to marry performance data to the system can take place. Also, Colorado is a livestock or brand inspection state. This system is widely supported by producers and highly efficient. Livestock brands and the systems that support them can be exponentially beneficial in the success and longevity of a livestock identification program. Livestock brands should be allowed as a group identifier, and to identify livestock to its premises. The system utilized to inspect livestock, via brands, for ownership can be utilized for collection of premises information, individual animal identification data and livestock movements.

- **Liability** – Many special interest organizations would like to see the National Animal Identification System function beyond the harvest of live animals into the product sector. By allowing this to happen, USDA would be placing the responsibility of consumers preparing their food properly on livestock producers. Research has illustrated that the majority of food-borne illnesses are caused by incorrect food preparation, not harvest or production of live animals. Tracing of animals beyond harvest should be market-driven and voluntarily entered into by willing livestock producers. A National Animal Identification System is being implemented for reasons of tracing live animals, in the case of an animal health or biosecurity emergencies. This should be the only purpose of the program.

CCA supports the systematically-staged approach to implementing the National Animal Identification System's Strategic Plan. CCA sincerely appreciates the cooperative efforts outlined in the strategic plan that utilize local government, organizations and producer entities to achieve success.

### **National Animal Identification System “Draft Program Standards”**

*April 25, 2005*

The development of program standards that can be implemented by producers in a voluntary period previous to a mandatory program will ultimately result in a more efficacious system. CCA agrees with the initial voluntary approach that allows for producer and stakeholder design, development and testing, of the National Animal Identification System - thus ensuring “the evolution of practical solutions”. CCA agrees with the three-part tracking system inclusive of premises identification, animal identification and animal tracking. Further elaboration on the proposed standards are as follows:

### **NAIS Data Standards for Key Components**

**Premises** - A premises represents a unique and describable geographic entity where activity affecting the health and/or traceability of food-producing animals may occur, or represents the

producer contact location when extensive grazing operations exist. Individual animal locations must be made available by animal owner(s) upon request by state or federal animal health officials. Encouragement should be made toward producers to maintain records associated with livestock movement on his/her properties. The following guidelines should be used:

- One owner, one premises, one livestock specie: One premises ID assigned.
- One owner, one premises, multiple species: One premises ID assigned.
- One owner, multiple in-state premises, one specie operated as one herd: One premises ID with A,B,C...Z indicators with individual addresses if appropriate.
- One owner, multiple in-state premises, one specie operated as separate herds: Each location would require a premises ID.
- One owner, multiple in-state premises, multiple species: Number of required premises will be determined by how the different species are operated.
- Multiple Owners: Same as “one owner” except owners shall be identified with 1, 2,... Each owner shall have his or her contact information added in the database.
- Corporations: Same as “one owner and multi-states”. The corporation will be responsible for maintaining records of investors.
- Multi-states: Same as “one owner, multi-owners and corporations” but each state shall issue the premises ID for premises located in that state.

Owners with multiple production units and/or holding units will consult with their State Animal Health Official or Area Veterinarian in Charge to determine if multiple premises identification numbers are required. Establishing multiple premises identification numbers should be based on epidemiologic links and/or the likelihood of disease transmission among the premises.

**Animal Identification** - CCA supports the use of individual and group/lot identification methods (consultation with animal health officials should take place before implementing a group/lot identification method for cattle producers). Standardized radio frequency ear tags will initially be the most effective and simple method of identifying cattle individually. Group/lot identification can be accomplished in a variety of ways, but most specifically with hot/cold iron branding. CCA also supports the addition of a secondary identification method of all imported cattle by way of a hot/cold iron brand. This secondary identification method is permanent and highly tamper-proof.

No form of identification is 100% tamper-proof. CCA supports further investigation and clarification into what type of punishment would be affixed to National Animal Identification System for individuals who intentionally manipulate an animal’s identification or records. CCA believes a punishment should be implemented and enforced for those who intentionally or fraudulently manipulate this program.

**Information System** – CCA strongly opposes the federal government holding the information system for individual animal identification and animal tracking. The primary reason is quoted within part *I.B .Information Systems* of the Draft Program Standards: “NAIS data would be kept confidential to the extent allowed by law...”. Additionally, numerous special interest groups and

agencies would utilize the Freedom of Information Act (FOIA) to gather proprietary information that could financially harm livestock producers or manipulate market situations.

Significant technology and precedence exists that would allow the USDA to “pull” data from privately held databases in the case of an animal or biosecurity emergencies. The National Animal Identification System can prescribe the framework and methodology that companies would comply with for data warehousing and forwarding. The logic and reasoning for privately held data storage is as mentioned in previous sections of these comments.

CCA strongly supports the creation of an animal identification program for the following purposes mentioned in part *I.B. Information Systems* of the Draft Program Standards

1. A confirmed positive test for List A diseases.
2. An animal disease emergency, as determined by the Secretary of Agriculture.
3. The need to conduct a traceback to determine the origin of infection for a program disease (brucellosis, tuberculosis, etc.).

CCA believes that the mandatory portion of the program should remain focused and simple. This will enable broad producer support and a higher rate of compliance and efficacy for the program. To this end, CCA opposes the use of the National Animal Identification System for surveillance for another domestic or emerging disease. Systems already exist through accredited veterinarians, the issuance of animal health certificates and border inspection of livestock.

In maintaining the approach of only using the aforementioned purposes (supported by CCA), CCA believes that a national identification program does not need to collect some of the fields illustrated in National Animal Records Repository – Individual Animal Data Elements Table. Some of the requested fields will be difficult to collect while others have no bearing on tracking or identifying animals for disease or biosecurity purposes. CCA proposes that the following data elements be eliminated:

- Sighting/Reporting Premises Identification
- Age of Animal (can easily be determined from approximate birth date)
- Breed of Animal
- Remarks
- Status

**Other Stakeholders** – CCA supports the concept of animal movement reporting being the sole responsibility of the receiving premises or person responsible for the animals at the receiving premises.

The Draft Programs Standards document outlines a functional process for market operators’ submittal of records. Markets are concentrated points of animal movement and change of ownership, and are likely to offer a high degree of disease communication. Government has an obligation to develop a standardized system for data collection and conversion, inclusive of physical processes and standardized electronic data management systems. This is imperative due to the frequency and diversity of animal movement through markets.

CCA does support proposal of allowing private third-party companies or individuals to offer tagging/identifier installation for producers wishing to use such a service. This type of service will aid producers who do not possess the equipment or facilities to accomplish individual animal identification.

## **Other Comments**

### ***Unassociated with the Draft Program Standards or Draft Strategic Plan***

The following bulleted points are submitted for consideration in the development of the National Animal Identification System.

- **Longitude and Latitude Assignment** – This is a tool that could be utilized to further substantiate premises locale. Specific to areas that do not have a physical address and to assist animal disease responders in planning and locating a premises.
- **Sovereign tribal nations** - The workgroup realizes that sovereign nations must have premises identification. This is necessary for a variety of reasons, but mainly because they lie within the U.S. boundaries and livestock from the nations move freely across the nation's borders, as opposed to livestock moving into the U.S. from other countries. The workgroup recommends that negotiations must take place with each nation to assign premises identifiers.
- **Federal Lands Premises Allocation** – The majority of western ranchers utilize federal lands as an integral portion of their business. The USDA must make considerable effort to encourage the U.S. Forest Service and Bureau of Land Management to assign premises numbers to each of their grazing permits.
- **Point of Identification** – The CCA supports RFID tagging of livestock prior to leaving the premises of origin or upon arrival at the next premises within the phased implementation structure. The reasoning behind allowing identification to take place upon arrival at the next premises is that facilities may not be available or are less desirable for use at the premises of origin.
- **Differences** – The workgroup concludes that any portion of National Animal Identification System must make every effort to recognize and accommodate regional and production differences. Additionally, the group supports existing programs' integration with the national animal identification program (rather than vice versa).
- **Livestock Inspection States** – The workgroup supports utilizing an existing governmentally-controlled livestock inspection program in facilitating data collection to meet the requirements of an animal traceability program. If using a livestock inspection program exclusively for data collection, the associated expense should not be the sole responsibility of the livestock producer. Government has an obligation to share in the expense.
- **Critical Infrastructure** - On page 40, Section VI.A.3 entitled "Confidentiality of Producer Information" of the original United States Animal Identification Plan (USAIP) the following statement is made: "Procedures and processes will be established at the federal and state level to protect the integrity and confidentiality of all information that an owner or custodian of livestock is required to file on their premises and/or livestock as a specific requirement of the USAIP. Agriculture is to be

designated as a critical infrastructure (see Appendix H. Secretary Veneman's statement to the Gilmore Commission). As a result, all critical infrastructure information required by the USAIP is to be protected from public disclosure

In Secretary Veneman's note in Appendix H she said "I want to commend the Commission, too, for observing that because agriculture was not recognized as a critical infrastructure when critical infrastructures were initially identified, agriculture did not benefit from the heightened awareness of terrorist threats that were paid to other sectors. As you further note, though, the Bush Administration has recognized this oversight, designated agriculture as a critical infrastructure in its National Strategy, and has taken steps toward protecting it..."

To this end, clarification by USDA needs to be made on agriculture's classification as critical infrastructure and protects to collected data, if any.

The Colorado Cattlemen's Association appreciates USDA's efforts in compiling the Draft Program Standards and Draft Program Timeline for our members' consideration and comments. Careful consideration of our industry's comments and thoughts on the National Animal Identification System must take place for the development of a program that will be functional and supported by all aspects of the beef industry. Again, thank you for your consideration.

Sincerely,

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